

Listing of Claims:

Claims 1-37 (Canceled)

38. (Currently Amended) A marking tool to mark a lens capsule of an eye for a capsulotomy procedure, comprising:

an elongated shaft having a distal end shaped and dimensioned for insertion into an anterior chamber of the eye, said shaft defining a lumen terminating at an opening at said distal end;

a marking assembly containing a resiliently flexible metallic marking element having a substantially ring-shaped distal portion, in a natural state, said marking assembly being slidably received in said lumen between a transport condition, wherein said marking element is deformably retracted into said lumen to enable unobstructed penetration of the shaft distal end during insertion into the eye anterior chamber, and a deployed condition, wherein said marking element is advanced beyond the shaft distal end enabling the marking element to expand to its natural state, said ring-shaped distal portion being substantially contained in a plane when in the deployed condition, and having an upper blunt edge on one side of said plane, and an opposed lower blunt edge on an opposite side thereof; and

a transferable marking material applicable to at least one of the upper blunt edge and the lower blunt edge of the substantially ring-shaped distal portion of said marking element such that said marking material is transferred to the lens capsule during non-damaging contact by the marking element therewith.

39. (Previously Presented) The tool of claim 38 wherein the substantially ring-shaped portion of the marking element has an associated size which is adjustable by the user.

40. (Previously Presented) The tool of claim 38 wherein the transferable marking material is disposed on the substantially ring-shaped distal portion of said marking element such that said marking material is transferred to the lens capsule during non-damaging contact by the marking element therewith.

41. (Previously Presented) The tool of claim 38 wherein the transferable marking material corresponds to a dye or stain.

42. (Previously Presented) The tool of claim 38:
wherein transfer of the marking material to the lens capsule during non-damaging contact by the marking element results in formation of a substantially ring-shaped mark on the lens capsule;

and wherein the substantially ring-shaped mark is formed from the marking material.

43. (Previously Presented) The tool of claim 38:
wherein transfer of the marking material to the lens capsule during non-damaging contact by the marking element results in formation of a substantially ring-shaped mark on the lens capsule;

and wherein the substantially ringed mark is substantially circular or substantially elliptical in shape.

44. (Previously Presented) The tool of claim 38:
wherein the substantially ring-shaped portion of the marking element is operable to be configured by a user to a first shape and first size; and

wherein the substantially ring-shaped portion of the marking element is operable to be configured by a user to a second shape and second size.

45. (Previously Presented) The tool of claim 38 wherein the substantially ring-shaped portion of the marking element forms a substantially circular shaped ring in the deployed condition.

46. (Previously Presented) The tool of claim 38 wherein the substantially ring-shaped portion of the marking element forms a substantially elliptical shaped ring in the deployed condition.

47. (Previously Presented) The tool of claim 38 wherein the substantially ring-shaped portion of the marking element is made from a shape-memory, metallic material.

48. (Previously Presented) The tool of claim 38 wherein the size and dimension of the elongated shaft is suitable for insertion of the delivery mechanism through a cataract incision made in a cornea of the eye.

49. (Previously Presented) The tool of claim 38 wherein the substantially ring-shaped portion of the marking element is comprised of a metal material selected from a group consisting of titanium and stainless steel.

50. (Previously Presented) The tool of claim 38 further comprising:
a marking element retraction/extension mechanism for enabling the substantially ring-shaped portion of the marking element to be retracted into the lumen and/or extended from the lumen; and
wherein the retraction/extension mechanism is a screw-type mechanism.

51. (Previously Presented) The tool of claim 38 further comprising:
a marking element retraction/extension mechanism for enabling the substantially ring-shaped portion of the marking element to be retracted into the lumen and/or extended from the lumen; and
wherein the retraction/extension mechanism is a plunger-type mechanism.

52. (Previously Presented) The tool of claim 38 further comprising a dye or stain component, applicable to the substantially ring-shaped portion of the marking element, and usable to make the mark on the lens capsule.

53. (Currently Amended) The tool of claim 38:
wherein said ring-shaped portion, when marking element, in the deployed condition, is substantially contained in said a plane, ~~and~~ is oriented such that said plane intersects a longitudinal axis of ~~a tool~~ elongated shaft at an oblique angle.